

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CR-324-F-1

UNITED STATES OF AMERICA

vs.

ARNOLD OGDEN JONES, II,

Defendant.

ORDER

This matter is before the court *sua sponte*. On October 13, 2016 – just two business days prior to start of his trial – Defendant filed his proposed jury instructions. Defendant's filing is **three weeks** late.

On September 9, 2016, the court's courtroom deputy submitted a notice to counsel via CM/ECF, which provided as follows:

Notice of Hearing as to Arnold Ogden Jones, II: Arraignment set for 9/26/2016 at 10:00 AM in Wilmington - Courtroom 1 before Senior Judge James C. Fox. Motions to continue and in limine shall be filed seven business days before the start of a term of court. Any motion of a non-emergency nature filed after that date must be received in the Clerk's Office by 4:00 PM on the date filed and will be heard in open court at the start of the session, at which time all parties and counsel must be present. All requests for changes to the calendar must be made by motion for the court's consideration with a proposed order. Any requests made [sic] for changes made via email will not be considered. Click here for court calendar.

Upon clicking the "court calendar" link and choosing the relevant "view" (i.e., daily, weekly or monthly), a "NOTICE" appeared followed by all matters set for the September 26, 2016 term of court. The NOTICE included numerous instructions, including trial instructions, which provided in relevant part that "Proposed Jury Instructions . . . shall be filed no later than 4:00 p.m. at least two (2) business days before the *start of the session* [i.e., September 26, 2016]." Accordingly,


the parties' proposed jury instructions were due no later than September 22, 2016. And on that day, in fact, the Government timely filed its proposed jury instructions.

The court prepared its proposed jury instructions after serious consideration of the instructions requested by the Government. Moreover, it also made copies thereof for all relevant parties. Defendant's blatant disregard of the court's preferences smacks of gamesmanship and imposes an undue burden on the court and its staff.

Accordingly, Defendant is DIRECTED to file a memorandum expressly identifying any discrepancies between his proposed jury instructions and the Government's proposed jury instructions with respect to each of the three counts at issue. Defendant is further DIRECTED to identify any differences between his proposed general jury instructions and those proposed by the Government. Defendant's filing is due no later than 9:00 a.m., Friday, October 14, 2016.

SO ORDERED.

This the 13th day of October, 2016.

A handwritten signature in black ink, reading "James C. Fox". The signature is written in a cursive, slightly stylized font.

JAMES C. FOX
Senior United States District Judge